

IN THE DISTRICT COURT OF THE UNITED STATES

For the Western District of New York

MARCH 2006 GRAND JURY
(Empaneled March 16, 2006)

06-CR-6127CJS

THE UNITED STATES OF AMERICA

-vs-

SUPERSEDING
INDICTMENT

JOSEPH M. TYSON

Violations:

18 U.S.C. §2251(a)
18 U.S.C. §2252A(a)(5)(B)
18 U.S.C. §2422(b)
18 U.S.C. §2423(a)
18 U.S.C. §2423(b)

COUNT 1

(Production Of Child Pornography)

The Grand Jury Further Charges That:

Between on or about July 18, 2004, and on or about July 22, 2004, in the Western District of New York, the defendant, JOSEPH M. TYSON, did knowingly employ and use a minor less than eighteen years old, Minor #1, to engage in sexually explicit conduct, specifically, the lascivious exhibition of the genitals and the pubic area of said minor, for the purpose of producing visual depictions of such conduct, specifically digital images, with such visual depictions having been produced using materials that

had been shipped and transported in interstate and foreign commerce.

All in violation of Title 18, United States Code, Section 2251(a).

COUNT 2

(Production Of Child Pornography)

The Grand Jury Further Charges That:

In or about July 2004, in the Western District of New York, and elsewhere, the defendant, JOSEPH M. TYSON, did knowingly employ and use a minor less than eighteen years old, Minor #2, to engage in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256, for the purpose of producing visual depictions of such conduct, specifically digital images, knowing that such visual depictions will be transported in interstate commerce, and with such visual depictions having been shipped and transported in interstate and foreign commerce.

All in violation of Title 18, United States Code, Section 2251(a).

COUNT 3

(Transportation of Minor)

The Grand Jury Further Charges That:

Sometime in or between January 2005 and October 2005, in the Western District of New York, and elsewhere, the defendant, JOSEPH M. TYSON, knowingly transported an individual, that is Minor #1, who was at that time under the age of 18 years, in interstate commerce from Rochester, New York, to the State of Virginia, with intent that such individual engage in sexual activity under such circumstances as would constitute a criminal offense by any person in New York State, namely, a violation of one or more of the following sections of the New York State Penal Law: Section 130.55 (Sexual Abuse in the Third Degree); Section 130.40(2) (Sodomy in the Third Degree); and Section 130.25(2) (Rape in the Third Degree), and in the State of Virginia, namely, a violation of one or more of the following sections of the Annotated Code of Virginia: Section 18.2-67.3 (Aggravated sexual battery); and Section 18.2-370 (Taking indecent liberties with children).

All in violation of Title 18, United States Code, Section 2423(a).

COUNT 4

(Possession Of Child Pornography)

The Grand Jury Further Charges That:

On or about September 29, 2005, in the Western District of New York, the defendant, JOSEPH M. TYSON, did knowingly possess materials that contained images of child pornography, as defined by Title 18, United States Code, Sections 2256(8)(A) and (B), that had been transported by computer in interstate and foreign commerce and that were produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce, including by computer.

All in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

COUNT 5

(Use of Interstate Facility to Entice Minor)

The Grand Jury Charges That:

Beginning on or about September 16, 2005, and continuing until on or about September 27, 2005, in the Western District of New York and elsewhere, the defendant, JOSEPH M. TYSON, did, by causing electronic communications to be sent via the internet from the Western District of New York to an individual he

believed was a 14 year old male in the State of New Hampshire, use a facility and means in interstate commerce to knowingly attempt to persuade, induce and entice an individual, he believed to be less than 18 years of age, to engage in sexual activity for which he could be charged with a criminal offense under the laws of the State of New Hampshire, namely, a violation of the New Hampshire Revised Statutes, Criminal Code, Section 632-A:3 (Felony Sexual Assault).

All in violation of Title 18, United States Code, Section 2422(b).

COUNT 6

(Travel With Intent To Engage In Illicit Sexual Conduct)

The Grand Jury Further Charges That:

On or about September 29, 2005, in the Western District of New York and elsewhere, the defendant, JOSEPH M. TYSON, knowingly traveled in interstate commerce from the Western District of New York to the State of New Hampshire for the purpose of engaging in illicit sexual conduct with an individual he believed to be 14

years of age.

**All in violation of Title 18, United States Code, Section
2423(b).**

DATED: Rochester, New York, January 11, 2007.

TERRANCE P. FLYNN
United States Attorney
Western District of New York

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A TRUE BILL:

s/ Foreperson